

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL (L) NO. 1283 OF 2005
IN
NOTICE OF MOTION NO.3769 OF 2005
IN
APPEAL (L) NO.1283 OF 2005
IN
NOTICE OF MOTION NO.2803 OF 2004
IN
SUIT NO.2648 OF 1995

Smt.Suparna Tapan Das .. Appellant

v/s.

Shri Alok Ajit Pal & ors. .. Respondents

Mr.Pankaj Kavli i/by Mr.U.M.Jhaveri for the
appellant.

Ms.Susan Abraham i/by Mr.Prakash Mahadik for the
respondents.

CORAM : R.M.LODHA AND
ANOOP V. MOHTA, JJ.

DATED : 9th January, 2006

P.C.

By a separate order, we have condoned the delay in filing the appeal today. By consent of the learned counsel for the parties we have taken up the appeal for admission today itself though it is on lodging number.

2. It is not in dispute that Oxford Co-operative Housing Society is not a party in the suit. The suit is in respect of the administration of estate and properties of the plaintiff's late father Ajit Baran Pal. Though the society is not party in the suit, the notice of motion was taken out by the plaintiff asking the society to deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs) together with interest. Not only that such application is

misconceived, but also the application is an abuse of process of the court. Rejection of the said application with costs by the learned motion Judge cannot be faulted.

3. Appeal is dismissed in limine.

(R.M. LODHA, J.)

(ANOOP V. MOHTA, J.)